

Before the Federal Communications Commission

In re: ET Docket #04-37)

MOTION TO AMEND RULEMAKING

The undersigned Movant respectfully moves the Commission amend this rulemaking as follows: [1] To specify that Access BPL operators must employ any such technology with buried power lines only; [2] To specify that any interference complaint from an incumbent licensee be resolved by the immediate cessation of Access BPL operations pending the successful resolution of the interference complaint to the licensee's satisfaction; [3] That any radiation from Access BPL from power lines above the ground be 10 dB below current radiated emission limits for intentional radiators under current Part 15 rules; and, [4] that all Access BPL operations within the continental United States of America notch out all frequencies and emissions between 1.8 and 29.7 MHz, with spurious emissions suppressed 30 dB below the main carrier. In support of this motion, the Movant states that it is the Commission's duty, pursuant to Title 5 USC to regulate, under Part 15 of its rules, consistent with the technological data provided in connection with any proposal. The manifest weight of all commenting parties' technical data supports amendment consistent with a grant of this motion.

Respectfully Submitted:

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